

REMARKS

In the Office Action, the Examiner:

- acknowledged Applicant's claim of foreign priority under 35 U.S.C.

§ 119(a)-(d);

- objected to the drawings for allegedly failing to show every feature recited in the claims;
- objected to the abstract as allegedly being in a non-narrative form;
- objected to the specification for allegedly including a Summary with improper content;
- rejected claims 12-16 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement;
- rejected claims 1 and 2 under U.S.C. § 102(b) as being anticipated by Japanese Patent Publication No. 07-274087 to *Toshiyuki*;
- rejected claims 1, 4, 6, 10, and 11 under U.S.C. § 102(b) as being anticipated by Japanese Patent Publication No. 04-0367997 to *Kumazaki*;
- rejected claims 12 and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Toshiyuki*;
- rejected claims 3, 5, 7-9, 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Toshiyuki* in view of U.S. Patent Application Publication No. 2003/023499 to *Lee*; and

- rejected claims 9 and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Toshiyuki* in view of Japanese Patent Publication No. 2001-282219 to *Ryoji*.

By this Amendment, Applicant has amended the Specification including the Abstract; amended claims 1, 5-8, and 10-12 to further clarify the claimed subject matter; cancelled claims 4, 9, and 13-16 without prejudice or disclaimer of the subject matter recited therein; and added new claims 17-28 to recite further features of the Applicant's invention.

Claims 1-3, 5-8, 10-12, and 17-28 are pending in this application.

Claim of Foreign Priority Under 35 U.S.C. § 119(a)-(d)

The Office Action Summary indicates that only some of the certified copies of priority documents have been received. Additionally, at page 2 of the Office Action, the Examiner indicated that the certified copy was filed in "parent patent Application No. 10/765,045, filed January 28, 2004." (Office Action, p. 2:3-5.)

Applicant notes that this application is no. 10/765,045 (i.e., there is no "parent" U.S. patent application to this case) and that the certified copy of Japanese patent application no. 2003-024855, the sole document upon which the present application relies for its claim of priority, was filed January 28, 2004, as evidenced by the attached postcard receipt. A photocopy of Japanese patent application no. 2003-024855 is also enclosed for the Examiner's convenience. Accordingly, Applicant respectfully requests

that Examiner acknowledge that all certified copies of priority documents have been received.

Objection to the Drawings

The Examiner objected to the drawings for failing to show “the person who watches the image,” as recited in claims 12 and 14. Applicant’s amendment to claims 12 and 14 have deleted this feature. Accordingly, the objection to the drawings is moot.

Objection to the Abstract

In light of Applicant’s amendments to the Abstract, Applicant respectfully requests that the Examiner reconsider and withdraw the objection to the Abstract.

Objection to the Specification

Although Applicant does not necessarily agree with the Examiner’s objection to the “Brief Summary of the Invention,” Applicant has amended the Brief Summary of the Invention and respectfully submits that this section of the Specification complies with the requirements of 37 C.F.R. § 1.73. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw this objection to the Specification.

Rejection of Claims 12-16 Under 35 U.S.C. § 112, First Paragraph

Claims 12-16 were rejected under 35 U.S.C. § 112, first paragraph, allegedly because “the distance between the display unit and a person who watches an image,” as recited in claims 12 and 14, is not supported by the Applicant’s disclosure. Applicant traverses the Examiner’s rejection under 35 U.S.C. § 101, first paragraph and notes that, in light of the deletion of such language from claim 12 and the cancellation of claims 13-16, this rejection is moot.

Rejection of Claims 1 and 2 Under 35 U.S.C. § 102(b)

Applicant respectfully traverses the rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by *Toshiyuki*. In order for *Toshiyuki* to anticipate Applicant’s claimed invention under Section 102(b), each and every element of each claim in issue must be found, either expressly described or under principles of inherency, in the reference. Further, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” (See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).) In this case, *Toshiyuki* does not teach “a display unit which displays an image and can be remotely controlled by a remote controller; a management table which stores display attribute information which indicates a predetermined information included in the image displayed by the display unit; and a control unit which magnifies the predetermined

information according to the attribute information and a distance between the remote controller and the control unit" (emphasis added), as recited in amended claim 1.

Toshiyuki apparently discloses controlling the display of information on a display screen 13 based on distance information provided by a distance detecting circuit 11. (See, e.g., para. 0029.) However, *Toshiyuki* is silent as to "a management table which stores display attribute information indicating a predetermined information included in the image displayed by the display unit," as amended claim 1 recites. Thus, *Toshiyuki* also fails to disclose "magnif[ying] the predetermined information according to the attribute information and a distance," as claim 1 recites. Since *Toshiyuki* fails to teach at least these features of independent claim 1, the reference cannot anticipate claim 1 under 35 U.S.C. 102(b). Applicant, therefore, respectfully requests that the Examiner withdraw the rejection of claim 1 and allow the claim; as well as the rejection of claim 2, which is also allowable at least in view of its dependence from claim 1.

Rejection of Claims 1, 4, 6, 10 and 11 Under 35 U.S.C. § 102(b)

Applicant traverses the rejection of claims 1, 4, 6, 10 and 11 under 35 U.S.C. 102(b) as being anticipated by *Kumazaki* and notes that this rejection is moot with respect to cancelled claim 4. Independent claim 1, for example, is not anticipated by *Kumazaki* because the reference at least fails to teach or disclose the above-noted features recited in the amended claim. *Kumazaki* discloses expanding information on a display means 18 in accordance with an expansion ratio determined based on a distance between the display means 18 and a selection means 2. (*Kumzaki*, page. 5,

para. 0009.) An expansion control means 30 displays information on the display means 18 as an expanded display when prescribed information is selected by the selection means 2. (*Kumzaki*, page. 5, para. 0006.) For instance, when a member tries to obtain information on a noticeboard and the information displayed by the noticeboard is difficult to see, the member may select the information he/she wants to expand on the noticeboard from among buttons of remote control. (*Kumzaki*, page. 14, para. 0030.) Thus, the expanded portion is apparently selected by a member at the time of expansion. *Kumazaki*, however, is also silent as to the claimed “a management table which stores display attribute information indicating predetermined information included in the image” (emphasis added). Accordingly, *Kumazaki* does not teach “a display unit which displays an image and can be remotely controlled by a remote controller; a management table which stores display attribute information indicating predetermined information included in the image displayed by the display unit; and a control unit which magnifies the predetermined information according to the attribute information and a distance” (emphasis added), as claim 1 recites. Therefore, independent claim 1, as amended, is allowable over *Kumazaki*, and so are claims 6, 10 and 11 at least due to the dependence of these claims from claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 6, 10 and 11 under 35 U.S.C. § 102(b) and allow the claims.

Rejection of Claims 12 and 14 Under 35 U.S.C. § 103(a)

Applicant traverses the rejection of claims 12 and 14 under 35 U.S.C. 103(a) as being unpatentable over *Toshiyuki*. At the outset, Applicant notes that the rejection with respect to claim 14 is moot in view of the cancellation of this claim. As to claim 12, in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art references must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143. Here, the *Toshiyuki* cannot support a rejection under 35 U.S.C. §103 because the reference does not teach or suggest all the features recited in claim 12.

Amended claim 12 recites, *inter alia*, "accessing a management table which stores display attribute information which indicates a predetermined information of the image in response to a command from a remote controller; and magnifying the predetermined information according to the attribute information and a distance." As noted above, *Toshiyuki* is silent as to "a management table which stores display attribute information which indicates a predetermined information included in the image displayed by the display unit," as recited in claim 1. Accordingly, the reference also fails to disclose or suggest similar features recited in claim 12. *Toshiyuki*, therefore, cannot support a rejection of claim 12 under 35 U.S.C. § 103(a).

Rejection of Claims 3, 5, 7-9, 15, and 16 Under 35 U.S.C. § 103(a)

Applicant traverses the rejection of claim 3, 5, 7-9 and 15 under 35 U.S.C. 103(a) as being unpatentable over *Toshiyuki* in view of *Lee*. This rejection is moot with respect to cancelled claims 9, 15, and 16. Claims 3, 5, 7, and 8 depend from independent claim 1 and, therefore, include all the features recited in claim 1. As noted above, *Toshiyuki* does not teach or suggest the claimed “management table which stores display attribute information which indicates a predetermined information included in the image displayed by the display unit.”

The Examiner apparently cites *Lee* for allegedly disclosing “a window that has a limitation length of the distance” and “the size of the image being adjusted according to the distance between the apparatus and the user.” (Office Action, pages 8:17-19 and 9:4-5.) *Lee*, however, does not disclose or suggest, “a management table which stores display attribute information which indicates a predetermined information included in the image displayed by the display unit,” as recited in claim 1. *Lee*, therefore, fails to overcome the above-noted deficiencies of *Toshiyuki*, and claims 3, 5, 7 and 8, and are allowable due to their dependence from claim 1.

Rejection of Claims 9 and 13 Under 35 U.S.C. § 103(a)

Applicant respectfully traverses the Examiner’s rejection of claims 9 and 13 under 35 U.S.C. § 103(a), and respectfully notes that this rejection is moot in light of the cancellation of these claims.

New Claims 17-26

By this Amendment, Applicant has added new claims 17-26. Applicant respectfully submits that these claims are allowable over the applied prior art at least due to their corresponding dependence from allowable independent claims 1 and 15.

CONCLUSION

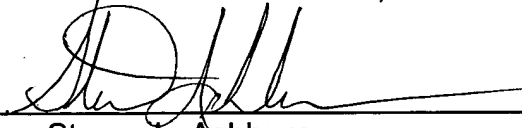
In view of the foregoing, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 19, 2006

By: 
Steven L. Ashburn
Reg. No. 56,636